PEP ON POINT

Building Stronger Communities Together

IN THIS ISSUE

40TH ANNIVERSARY

2026 NEWSLETTER

FIRST QUARTER

PRACTICAL ADA RISK CONTROL

FOR OHIO PUBLIC ENTITIES

BY PEP RISK SERVICES

PROACTIVE ADA PRACTICES TO REDUCE EXPOSURE AND ENHANCE SAFETY

Ohio public entities interact with residents, visitors, and employees every day, and many of those individuals rely on accessible facilities, programs, and services. While the **Americans with Disabilities Act (ADA)** and Ohio civil rights laws establish the legal framework, the practical responsibility for preventing accessibility-related incidents often rests with operational departments and risk control teams. Effective ADA implementation is, therefore, not only a compliance matter but also a fundamental component of public service delivery and organizational risk management.

FACILITY WALKTHROUGHS AND MAINTENANCE

One of the most effective risk control strategies is performing regular facility walkthroughs. **Many ADA-related incidents stem from physical conditions that could have been identified in advance, such as deteriorated parking striping, malfunctioning door openers, uneven routes, or obstructed access aisles.** By conducting annual or semiannual assessments of entrances, restrooms, parking, routes, signage, and communication systems, public entities can identify hazards early and prioritize corrective actions. Pairing these reviews with preventive maintenance ensures that critical features like signage, lifts, ramps, and door operations remain functional throughout the year.

ACCESSIBILITY IN EVENTS AND PROGRAMS

Accessibility considerations extend beyond buildings. Public programs, seasonal activities, and community events often introduce temporary conditions or structures that can create unintended barriers. Incorporating accessible parking, defined routes, companion seating, and portable restroom accommodations into event planning can significantly reduce complaints and improve the visitor experience. Even small changes, such as clear signage or ensuring a temporary route is kept free of obstructions, can make meaningful differences.

DIGITAL ACCESSIBILITY

Digital accessibility has become an essential part of ADA compliance, particularly as residents increasingly rely on online platforms to interact with their local government. Under Ohio's IT-09 policy (visit https://das.ohio.gov/technology-and-strategy/policies/it-09) and the ADA's updated requirements, public-facing websites and mobile applications must meet WCAG 2.1 Level AA standards by ensuring readable contrast, screen-reader compatibility, meaningful alt text, clear link language, keyboard operability, and accessible documents, audio, and video content. Publishing an accessibility statement with an ADA Coordinator contact information and a feedback mechanism helps residents report barriers and reinforces transparency. Routine testing, both automated and with assistive technologies such as NVDA or JAWS, paired with clear expectations for vendors and third-party platforms strengthens digital service delivery and reduces exposure. When integrated into everyday operations, these practices support the same proactive, preventive approach used in physical accessibility walkthroughs and help public entities deliver consistent, inclusive access across all services.

ROLE OF AN ADA COORINDATOR

Under the ADA, entities with **50 or more employees** are required to designate an ADA Coordinator. Designating an ADA Coordinator provides a crucial point of accountability. This role ensures that accessibility concerns are received consistently, routed to the appropriate departments, and tracked through to resolution. Publishing the ADA Coordinator's contact information demonstrates transparency and helps residents understand how to seek help when barriers arise.

PROCESS FOR HANDLING CONCERNS

Organizations benefit from implementing a clear process for responding to accessibility concerns. Consistent steps, acknowledging the concern, providing interim solutions, documenting conditions, assigning responsibility, and verifying permanent corrections, allow entities to manage issues effectively and demonstrate good faith effort. Maintaining an ADA Concern Log supports trend analysis and informs long-term planning efforts.

STAFF TRAINING

Training remains a cornerstone of risk reduction. Frontline staff often encounter accessibility needs first and providing guidance on interacting respectfully with individuals with disabilities, handling service animals appropriately, and recognizing common barriers can prevent misunderstandings and reduce service disruptions. Facilities staff likewise benefit from training focused on measurements, maintenance routines, and recognizing field conditions that may create accessibility challenges.

DOCUMENTATION AND MEASUREMENT

Finally, documentation and measurement allow organizations to demonstrate due diligence. **Walkthrough checklists, maintenance logs, training records, and before and after photos help track progress, support claims defense when necessary, and guide resource allocation.** When combined with thoughtful planning and coordination, these tools help Ohio public entities reduce exposure, improve accessibility, and strengthen community trust.

For more information on ADA compliance, contact your PEP Risk Services Specialist at (866) 907-3776.

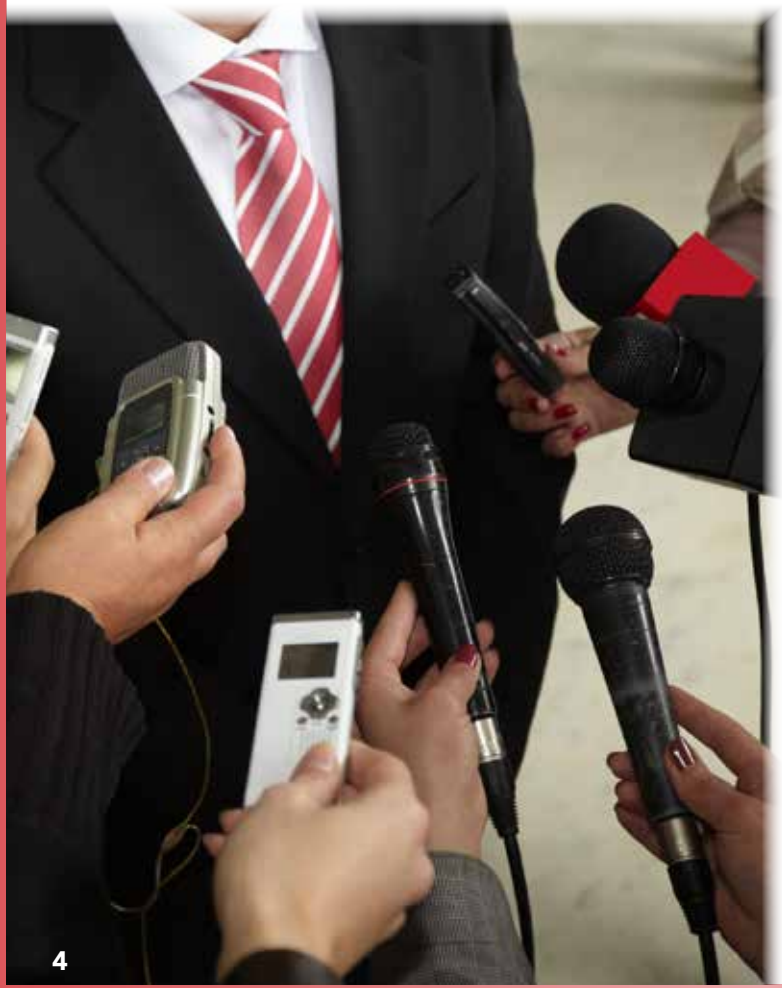
THE POWER OF COMMUNICATION

BEST PRACTICES

BY PEP RISK SERVICES TEAM

Public officials who deliver unscripted remarks can pose significant risks for their public entity, damaging its credibility, undermining policy goals, and causing reputational harm. While prepared remarks are carefully vetted through a media relations policy, spontaneous comments may reveal unfiltered opinions, highlight a lack of knowledge, or create diplomatic crises.

To build public confidence and trust, officials must be prepared before they speak. They must understand talking "off the cuff" can cause public confusion, damage public perception, and undermine confidence in the leadership. A prepared speaker will maintain the credibility of the entity and communicate important information accurately and effectively.



RISKS OF UNPREPARED PUBLIC SPEAKING INCLUDE:

- Straying from official policy
- Creating legal liability or ethical problems
- Provoking a diplomatic crisis
- Damaging internal and external relationships
- Creating distractions that may blur the message
- Increasing the likelihood of gaffes and blunders with poorly chosen words
- Revealing unintended or sensitive information
- Appearing insensitive
- Undermining credibility and public trust
- Increasing security risk for the public entity and its employees
- Increasing exposure to personal harassment
- Stifling policy debate

Many officials consider speaking to the public an opportunity to connect and share aspects of their personal feelings. This can have consequences and put the public entity at risk. Establish clear boundaries between personal and official communication. Public officials can avoid oversharing through preparation, limiting engagement on social media, promoting respectful discourse, and using a designated spokesperson.

BENEFITS OF PREPARATION:

- **Increase** the audience with more engaged local media and additional social platforms
- **Convey** messaging with clarity
- **Develop** better arguments through research and critical thinking
- **Reduce** scrutiny
- **Improve** facilitation of crucial discussions
- **Increase** effectiveness to lobby for resources

The ability to communicate difficult or sensitive information or topics is essential for public officials. Training helps them approach tough conversations and be prepared for associated public questioning. Preparation will allow them to speak with empathy and skill, avoiding personal attacks.

PUBLIC OFFICIAL TRAINING IMPROVES LEADERSHIP SKILLS:

- Boosts confidence with the speaker
- Enhances non-verbal communication
- Refines impromptu speaking skills when it is required
- Encourages better listening to understand constituent and colleague concerns

EXAMPLES OF NAVIGATING TOUGH QUESTIONS, CRITICISM, UNCERTAINTY, AND MISUNDERSTANDING

"WHEN FACED WITH A TOUGH QUESTION

That's an important question, and I want to ensure I provide a thoughtful and accurate response. Let me follow up with the appropriate details after consulting with our team."

Shows respect for the question, avoids speculation, and commits to accountability.

"WHEN RECEIVING HARSH CRITICISM

I appreciate your perspective. We're committed to continuous improvement and feedback, especially when it's direct, helps us do better for the community."

Acknowledges criticism without defensiveness, maintains composure, and reinforces commitment to public service.

"WHEN YOU DON'T KNOW THE ANSWER

I don't have that information at hand, but I'll make sure we get the correct answer to you promptly. Accuracy is important, and I won't speculate."

Demonstrates integrity, avoids misinformation, and maintains authority by prioritizing truth over immediacy.

"WHEN CLARIFYING A MISUNDERSTANDING

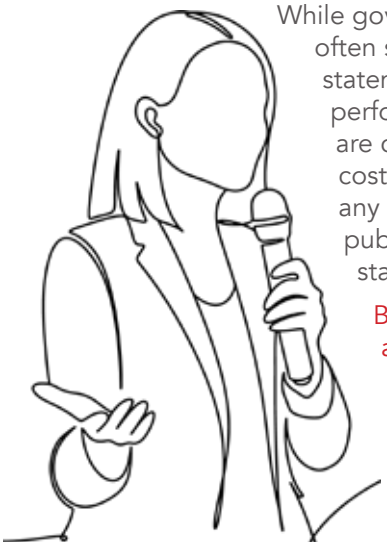
Let me clarify that point to avoid any confusion. Here's what we know, and here's what we're doing about it."

Reframes the narrative, reinforces transparency, and keeps control of the message.

KEY QUALITIES FOR EFFECTIVE PUBLIC SPEAKING BY OFFICIALS

1. Be informative and factual. Preparation will include accurate data and research.
2. Keep it simple and concise. Avoid jargon and complex details.
3. Focus on impact and relevance. Be prepared, frame the message to what matters to constituents. Only highlight local impact on policies.
4. Provide a clear call to action when appropriate. If you're asking something of your audience, state it plainly.
5. Offer context. Provide necessary background information to ensure audience understanding.
6. Practice delivery and tone. Speak with assurance. Mind your pace. Emotionally align your tone to the content. (If you're sharing a serious insight, slow down and lower your tone. If you're excited, let that energy come through.) Vary your pitch and volume: Emphasize key points with vocal variety.
7. Minimize mistakes and filler words. Preparation and strategic pauses add emphasis and reduce the likelihood of errors and filler language like "um" or "like."
8. Control body language. Being well-prepared allows for more composed non-verbal communication, reducing unintended reactions.
9. Build confidence for respectful dialogue. Confidence promotes respectful exchange of ideas and dialogue without defensiveness.
10. Adapt to the audience. A prepared speaker will be able to tailor their delivery to the audience.

Restricting unscripted or spontaneous public remarks by officials enables more strategic, thoughtful communication. Effective engagement requires understanding the audience, choosing the right timing, maintaining message consistency, and preparing to use diverse communication channels. A well-prepared speaker can offer meaningful follow-up opportunities and provide relevant resources to the public.



While government officials are often shielded from lawsuits for statements they make while performing their jobs, there are consequences. Litigation costs will be involved for any claims associated with a public official's unprepared statements.

By prioritizing preparation and training, public officials can communicate more effectively, reduce risk, and build trust with the communities they serve.

UNMANNED AIRCRAFT SYSTEMS (UAS)

DRONE BEST PRACTICES

BY PEP RISK SERVICES TEAM

Unmanned Aircraft Systems (UAS), commonly referred to as drones, are becoming used more frequently by governments. Their capabilities support a wide range of missions, including search and rescue, law enforcement, and firefighting. These best practices apply to all drones under 55 pounds operated by a public safety agency or governmental entity.

REGULATORY OVERVIEW

All drone operations must comply with Federal Aviation Administration (FAA) regulations. Public safety and government organizations have two primary pathways for authorized drone operations:

Operate Under the Small UAS Rule (14 CFR Part 107):
Agencies may designate individuals to become certified remote pilots under Part 107. All flights must follow Part 107 requirements. An aircraft airworthiness certificate is not required under this rule.

Operate as a Public Aircraft Operator (PAO):
Agencies may conduct operations under Public Aircraft status as defined by 49 U.S.C. §40102(a) and §40125. This requires obtaining and following a Certificate of Authorization (COA) issued by the FAA. Additional qualifications or certifications may apply.

PURPOSE OF THIS GUIDANCE

The associated best practices aim to:

1. **Ensure** drone operations comply with all applicable federal regulations.
2. **Minimize** risks associated with UAS activities.
3. **Reduce** liability related to drone incidents or accidents.

HELPFUL FAA RESOURCES

The websites below access FAA tools and guidance useful for building a compliant and effective drone program:

1. **Drone registration** (www.faa.gov/uas/getting_started/register_drone/)
2. **COA Authorization** (www.faa.gov/about/office_org/headquarters_offices/ato/service_units/systemops/aaim/organizations/uas/coa/)
3. **B4UFly mobile app** (www.faa.gov/uas/recreational_fliers/where_can_i_fly/b4ufly/)
4. **Remote Pilot Certification** (www.faa.gov/uas/commercial_operators/become_a_drone_pilot/)
5. **Emergency Waivers** (www.faa.gov/uas/advanced_operations/emergency_situations/)

If you have questions or would like to schedule an onsite consultation, please contact your **PEP Risk Services Specialist** at **(866) 907-3776**. More UAS info, including a checklist, can be found on the Guide at poolingguide.org/

BY PEP CYBER RISK SERVICES TEAM

CYBER RISKS FACING PUBLIC ENTITIES

DURING THE 2026 TAX SEASON

As the 2026 tax season approaches, public entities face an increasingly complex cyber threat landscape. Tax season is a prime target for cybercriminals because of the sensitive financial and **personally identifiable information (PII)** processed during this period. Understanding these risks is critical for safeguarding public trust and ensuring cyber risk compliance.

DEEPFAKE:

A deepfake is a piece of media, usually a video, audio clip, or image, that has been digitally altered using artificial intelligence to make it appear as though someone said or did something they never actually did. They're typically used in cybercrime and misinformation by impersonating CEOs to authorize fraudulent transfers, creating fake political statements, producing non-consensual explicit content, etc. Deepfakes are created using deep learning models, which learn patterns in a person's face, voice, or movements. The system then uses that knowledge to replace or synthesize realistic-looking, or sounding, content.

AI-POWERED SOCIAL ENGINEERING AND DEEPFAKES

Artificial intelligence has transformed cybercrime tactics. Attackers now use deepfake audio and video impersonations to mimic trusted individuals, such as tax advisors or government officials. These convincing forgeries can trick staff into disclosing confidential data or authorizing fraudulent transactions. Additionally, AI-driven phishing campaigns leverage personal details from previous filings to craft highly targeted, context-aware emails that bypass traditional security filters.

PHISHING, SMISHING, AND MALICIOUS ATTACHMENTS

Tax-themed phishing emails remain one of the most prevalent threats. These emails often spoof IRS communications or tax software providers, embedding malicious links or attachments disguised as W-2 forms or tax statements. Similarly, smishing attacks such as fraudulent text messages urge recipients to click on harmful links under the guise of urgent tax notifications. Public entities must train employees to recognize these tactics and avoid interacting with suspicious messages.

IDENTITY THEFT AND REFUND FRAUD

Cybercriminals frequently exploit stolen Social Security Numbers to file fraudulent tax returns and claim refunds. For public entities, this risk extends to employees and contractors whose data may be stored in internal systems. Even with IRS-issued Identity Protection PINs, attackers attempt to bypass safeguards through forged documents. The IRS backlog in resolving identity theft cases, sometimes exceeding 20 months, underscores the importance of proactive measures to prevent compromise.

VOICE-BASED IMPERSONATION AND CALL SCAMS

Phone-based scams are evolving beyond simple impersonation. Attackers now deploy AI-generated voices to convincingly pose as IRS agents or senior officials, demanding sensitive information or immediate payments. These calls often include threats of arrest or legal action, creating urgency and fear. Public entities should implement strict verification protocols for any financial or data-related requests received via phone.

RANSOMWARE AND DATA EXFILTRATION

Ransomware remains a top concern for public entities. During tax season, attackers target accounting departments and tax preparation systems, encrypting files and demanding payment for decryption keys. Modern ransomware gangs employ double-extortion tactics, stealing data before encryption and threatening public release if ransoms are not paid. This approach amplifies reputational and compliance risks for government.

BUSINESS EMAIL COMPROMISE AND SUPPLY CHAIN VULNERABILITIES

Business Email Compromise (BEC) schemes involve attackers impersonating executives or vendors to initiate fraudulent wire transfers or request sensitive data. Public entities that rely on third-party tax software or cloud services also face supply chain risks, where vulnerabilities in external platforms can lead to widespread breaches. Vetting vendors and enforcing multi-factor authentication are essential steps to mitigate these threats.

SYSTEMIC WEAKNESSES AND EMERGING THREATS

IRS capacity constraints and outdated systems create systemic vulnerabilities that cybercriminals exploit. Additionally, the rise of post-quantum cryptographic concerns signals a future where traditional encryption may no longer suffice. Public entities must stay informed about evolving standards and prepare for next-generation security requirements.

MITIGATION STRATEGIES FOR PUBLIC ENTITIES

To combat these risks, public entities should adopt a layered defense strategy:

- **Employee Training**: Conduct phishing simulations and awareness programs focused on tax-season scams.
- **Multi-Factor Authentication**: Enforce MFA for all financial and tax-related systems.
- **Incident Response Planning:** Test breach drills and tabletop exercises to ensure readiness.
- **Vendor Risk Management**: Assess third-party providers for compliance with cybersecurity best practices.
- **Data Encryption and Backup**: Secure sensitive data and maintain offline backups to recover from ransomware attacks.

The 2026 tax season presents a perfect storm of cyber threats fueled by AI, social engineering, and systemic vulnerabilities. Public entities must act decisively to protect sensitive data, maintain operational integrity, and uphold public trust. By implementing robust security measures and fostering a culture of cyber awareness, government organizations can navigate this high-risk period with confidence.

For more information on cybersecurity, contact your PEP Cyber Risk Services Advisor, Eric Adonteng at 240-808-9278 or email eric.adonteng@persopool.com.

MAINTAINING SAFE BIKE AND WALKING TRAILS

TRAIL SAFETY AFTER WINTER

BY PEP RISK SERVICES TEAM

Winter and spring weather can significantly impact bike and walking trails, creating a variety of hazards that increase the risk of slips, trips, and falls. Snow, ice, and heavy rain often lead to surface heaving, cracking, and potholes. Severe storms can also damage trees, leaving broken branches or fallen trees across paths. These conditions not only compromise the safety of bikers and pedestrians but can also lead to costly liability issues for public entities. **To mitigate these risks, it is essential to implement a comprehensive trail inspection and maintenance plan that addresses seasonal challenges and ensures trails remain safe and accessible**.

REVIEW AND MAINTENANCE OF TRAIL SIGNAGE

A key step in maintaining a safe trail system is reviewing all signage. Inspect signs for wear, fading, or instability, and replace any that are hard to read or are deteriorating. Clear signage communicates rules, warnings, and operational details, including hours of operation, age restrictions, and safety rules and guidelines. Bike rules should emphasize maintaining control; riding at safe speeds, especially on curves; wearing helmets; keeping right; yielding to pedestrians; announcing when passing; and prohibiting motorized vehicles. **Warnings should remind users to stay alert, yield to slower traffic, use the trail at their own risk, and acknowledge that the public entity is not responsible for injuries.** Well-maintained signage sets expectations and promotes responsible trail use.

INSPECTING AND REPAIRING TRAIL SURFACES

Inspecting the trail surface is equally important. Walk the entire route to identify signs of damage such as heaving, cracking, potholes, or uneven surfaces, issues that can develop quickly during freeze-thaw cycles and heavy precipitation. Prompt repairs help prevent accidents. Debris often accumulates on trails during winter and spring. Fallen branches, trees, and leftover leaves can obstruct pathways. Gravel and other loose materials can create slipping hazards. Clearing these obstructions before reopening the trail is essential for user safety.

More trail safety resources including a **TRAIL INSPECTION CHECKLIST** can be found on the Guide at **poolingguide.org**

the GUIDE

ADDRESSING DRAINAGE ISSUES

Drainage issues are another common concern that can compromise trail integrity. Inspect the trail for pooling water, mud, or erosion, and address any problems caused by snowmelt or heavy rain. Poor drainage can lead to long-term structural damage and create slippery conditions for users. In some cases, installing or improving drainage systems may be necessary to maintain safe and functional trails.

VEGETATION MANAGEMENT

Vegetation management is another key component of trail safety. **While trees and shrubs enhance the beauty of the trail, overgrowth can create hazards by obstructing visibility or encroaching on the path.** Regular trimming of branches, pruning of shrubbery, and mowing of tall grasses help maintain clear sightlines and prevent accidents. Vegetation should be managed not only for safety but also to preserve the natural aesthetics that make trails enjoyable for users.

DOCUMENTATION AND RECORD KEEPING

Finally, documentation is critical. Every inspection and repair should be recorded in detail. Logs should include the date and time of the inspection, the name of the inspector, hazards identified, maintenance performed, and corrective actions taken. Accurate documentation provides a record of due diligence and can be invaluable in defending against liability claims. The guiding principle is simple: if it is not documented, it did not happen.

BUILDING A LONG-TERM SAFETY STRATEGY

A strong safety plan should go beyond routine maintenance. It should analyze common accident causes, allocate resources for ongoing improvements, and prioritize the development of dedicated, protected infrastructure for bikers and pedestrians. Implementing an inspection plan before peak summer usage and continuing structured inspections throughout the year will help ensure trails remain safe and enjoyable for all users. Proactive maintenance not only reduces risk but also enhances the overall experience for the community.

'MEMBER-FOCUSED'
PEP BENEFITS

ZYWAVE HANDBOOK BUILDER

With the **Zywave Employee Handbook Builder**, you can easily update existing handbooks when policies change—no need to start over. You'll have the **ability to track employee counts for better compliance** and the ability to separate state-specific policies into an addendum. It's all designed to save you time, reduce hassle, and keep your handbook accurate and up to date. The Zywave Handbook Builder can be found at **https://portal.zywave.com/**.

ZYWAVE HUMAN RESOURCES HOTLINE

Zywave offers an Education Hub at **https://educate.zywave.com/client-portal-overview-on-demand/1969484** that supplies on-demand resources including videos and relevant articles.

Certified HR professionals can be reached at 844-4HRLINE (844-447-5463) M-Th 10am-5pm, Fri 10am-4pm EST or by email at hrhotline@zywave.com.

Zywave offers you access to a team of HR professionals in a convenient hotline format. You can ask their questions and receive a consulatation and personalized recommendations.
And you can call, email, or submit online HR requests.
No matter the submission method, you will receive prompt responses from expert professionals.

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Disclaimer: The HR Hotline offers general workplace guidance only and is not a source of legal advice.

GREENE COUNTY

In 1986, **Greene County**, the Warren County Planning Board, and the City of Loveland formed the Public Entities Pool of Ohio (PEP). All three remain valued and committed members. We would like to highlight **Greene County** for its successful risk-reduction efforts, especially its exemplary fleet safety program.

Greene County insures about 365 vehicles and plated pieces of equipment through PEP. Under Risk Management Director Lisa Hale, the county promotes a strong safety culture, reflected in its minimal claim history. To ensure county assets are well maintained, **Greene County** requires mandatory incident reporting, conducts regular vehicle inspections, and performs ongoing preventive maintenance tracked through its fleet maintenance software.

The county also prioritizes driver accountability. Employees cannot drive for county business if they have more than two moving violations in three years. Each year, the Risk Management Department distributes *Driving on the Job* during motor vehicle record (MVR) reviews.

"We take very seriously our responsibility to spend taxpayer funds wisely and responsibly by safeguarding these investments." - **Lisa Hale, Greene County Director of Risk Management**

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TO OUR NEWEST BOARD MEMBER
HILARY BROWNING

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CANTON CITY HEALTH DISTRICT